

## PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Patent of: )  
 )  
Robrahn et al. )  
 )  
Patent No.: 6,138,285 )  
 )  
Issued: October 31, 2000 )  
 )  
Atty. Docket No.: 55752.0060 )  
 )  
Title: "GOGGLE FOR SPORTS AND )  
ADVERSE ENVIRONMENTS" )

Mail Stop Post Issue  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ERROR IN ESTABLISHMENT OF SMALL ENTITY STATUS AND  
PAYMENT OF DEFICIENT FEES  
(37 CFR §1.28(c))**

Dear Sir:

With respect to the above-identified patent, small entity status was established in good faith, and fees as a small entity were paid in good faith. It has subsequently been discovered that such status was established in error. Itemization of the fee deficiency is as follows:

<u>Date</u>	<u>Description</u>	<u>Current Large Entity Fee</u>	<u>Small Entity Fee Paid</u>	<u>Deficiency</u>
03/06/2012	3 <sup>rd</sup> Maintenance Fee	\$4,730.00	\$2,365.00	\$2,365.00
			<b>TOTAL</b>	<b>\$2,365.00</b>

Payment of the deficiency of \$2,365.00 is in the form of:

08/21/2012 MBANGURA 00000025 002623 6138285  
01 FC:1599 2365.00 DA

Parent No. 6,138,285

1. ☐ a check.
2. ☐ an authorization to charge a credit card - Form PTO-2038 is enclosed.
3. ☒ an authorization to debit Deposit Account 08-2623.

No additional fees are believed to be due with this communication. If, however, additional fees are due, please debit Deposit Account 08-2623.

Respectfully submitted,

HOLLAND & HART LLP

By: 

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SS69901\_1

PTO/SB/17 (07-09)

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**PROCESSING FEE****Under 37 CFR 1.17(i)****TRANSMITTAL**

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents  
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	09/262,809
Filing Date	March 5, 1999
First Named Inventor	Robrahn, David T.
Art Unit	
Examiner Name	Calvert, John J.
Attorney Docket Number	55752.0060

Enclosed is a paper filed under 37 CFR 1.28(c) that requires a processing fee (37 CFR 1.17(i)).  
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

**Payment of Fees** (small entity amounts are NOT available for the processing fees)

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**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,  
Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

- § 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
- § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
- § 1.48 - for correcting inventorship, except in provisional applications.
- § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
- § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
- § 1.55 - for entry of late priority papers.
- § 1.71(g)(2) - to enter an amendment to the specification for purposes of 35 U.S.C. 103(c)(2) if not filed within the cited time periods.
- § 1.99(e) - for processing a belated submission under § 1.99.
- § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
- § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
- § 1.103(d) - for requesting deferred examination of an application.
- § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
- § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
- § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
- § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
- § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature  
Shane M. Niebergall

Typed or printed name

Date  
44,974

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Robrahn et al.Application No /Patent No.: 6,136,285Filed/Issue Date: 10/31/2000Titled: GOGGLE FOR SPORTS AND ADVERSE ENVIRONMENTS

SCOTT USA, INC.

, a corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc)

states that it is:

1. ☒ the assignee of the entire right, title, and interest in;
2. ☐ an assignee of less than the entire right, title, and interest in  
(The extent (by percentage) of its ownership interest is \_\_\_\_\_ %); or
3. ☐ the assignee of an undivided interest in the entirety of (a complete assignment from one of the joint inventors was made)
- the patent application/patent identified above, by virtue of either

A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel 009963 , Frame 0751 , or for which a copy therefore is attached.

OR

B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as follows:

1. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.

2. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached.

3. From: \_\_\_\_\_ To: \_\_\_\_\_

The document was recorded in the United States Patent and Trademark Office at

Reel \_\_\_\_\_ , Frame \_\_\_\_\_ , or for which a copy thereof is attached

☐ Additional documents in the chain of title are listed on a supplemental sheet(s).

☒ As required by 37 CFR 3.73(b)(1)(i), the documentary evidence of the chain of title from the original owner to the assignee was, or concurrently is being, submitted for recordation pursuant to 37 CFR 3.11.

[NOTE: A separate copy (i.e., a true copy of the original assignment document(s)) must be submitted to Assignment Division in accordance with 37 CFR Part 3, to record the assignment in the records of the USPTO. See MPEP 302.08]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

Signature

Date

Shane M. Niebergall

Attorney of Record

Printed or Typed Name

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**HOLLAND & HART**

Thursday, August 16, 2012

To: US Patent & Trademark Office  
Office of FinanceFax: 571-273-6500  
Phone: 571-272-6500

From: Danielle M. Casteel

Fax: 303-295-8261  
Phone: 303-295-8280

Message:

Regarding Patent No. 6.138.285

With respect to the above-identified patent, enclosed please find the following:

- Power of Attorney and Change of Corresponding Address Appointing Practitioners Associated with Customer No. 26582;
- Statement Under 37 CFR 3.73(b);
- Notification of Error in Establishment of Small Entity Status and Payment of Deficient Fees; and
- Processing Fee Transmittal.

Should you have any questions or require further documentation, please contact us at the above number. Thank you.

Respectfully submitted,

Danielle M. Casteel

No Confirmation Copy

Number of pages including cover sheet: 6

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